

June 1, 2015



**Talbot County Planning Commission**  
**Final Decision Summary**

Wednesday, April 1, 2015 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

**Attendance:**

Commission Members:

Thomas Hughes, Chairman  
John N. Fischer, Jr., Vice Chairman  
Michael Sullivan  
Paul Spies

Staff:

Mary Kay Verdery, Planning Officer  
Daniel Brandewie, Assistant Planning Officer  
Jeremy Rothwell, Planner I  
Carole Sellman, Recording Secretary

**1. Call to Order**—Commissioner Hughes called the meeting to order at 9:00 a.m.

Commissioner Hughes explained that Commissioner Boicourt would not be in attendance. He explained that tie votes are considered a negative vote. If any applicant chooses they can withdraw without penalty until the next month

**2. Decision Summary Review**—March 4, 2015—The Commission noted the following corrections to the draft decision summary:

- a. Line 133, change "I see" to read "he sees".
- b. Line 151, the word "now" should be "not".
- c. Line 175, correct the sentence to read: "In the past we have trimmed back such applications, and as Commissioner Fischer said this is a bad precedent."
- d. Line 288, correct the first sentence to read: "Commissioner Hughes summarized that the appearance of the building has changed somewhat, the overall gross floor area had been reduced, and the overall retail had been reduced, and those are material changes."
- e. Line 409, Correct spelling of name: Robert Magdaleno.
- f. Line 461, He stated start a new paragraph and should read as follows:  
"Commissioner Fischer stated that the state seized control of our tidal wetlands and we have been working for years with the Critical Area Commission trying to straighten out mischief that has resulted from that seizure."
- g. Line 464, after the word down take out punctuation and do not capitalize next word, so that it reads as follows: "...if he even comes down or some who lives and works here and knows the physical conditions of the property."
- h. Line 465, There should be a period after the word level.
- i. Line 466, Capitalize "It".

Commissioner Sullivan moved to approve the draft Planning Commission Decision Summary for March 4, 2015, as amended; Commissioner Fischer seconded the motion. The motion carried unanimously.

54  
55 **3. Old Business**  
56

- 57 a. Administrative Variance—J. Michael Potter and Deborah O. Potter, #A211—  
58 27303 Baileys Neck Road, Easton, MD 21601, (map 41, grid 23, parcel 40, zoned  
59 Rural Residential), Charles Paul Goebel, Charles Paul Goebel, Architect, Ltd. and  
60 Chris Waters, Waters Professional Land Surveying, Agents.  
61

62 Mr. Rothwell presented the staff report of the applicant's request to expand a legal  
63 non-conforming dwelling located within the Shoreline Development Buffer by  
64 approximately 377 square feet for the addition of a first floor master bedroom.  
65 There are a couple of significant differences between the two site plans. There is  
66 no difference in the size of the proposed addition, however they did remove a net  
67 total of 2,388 square feet of the existing turning circle, that went to the boat ramp.  
68 Two items have been added to the site plan, which the Planning Commission does  
69 not have the ability to approve, a terrace and a stoop within the Shoreline  
70 Development Buffer. In the Administrative Variance as per our code the Planning  
71 Commission has the ability to approve an expansion of an existing non-  
72 conforming structures gross floor area up to twenty percent. But they do not have  
73 the ability to approve new impervious surface and lot coverage within the  
74 shoreline buffer, that can only be granted by the Board of Appeals. If the  
75 applicants choose to add the terrace and stoop they would be required to seek  
76 critical area variance from the Board of Appeals.  
77

78 Staff recommendations include:  
79

- 80 1. The applicant shall be required to obtain a variance from the Board of Appeals  
81 for the proposed terrace (immediately adjacent to the proposed master  
82 bedroom) and proposed stoop; both of which are within the 100 foot Shoreline  
83 Development Buffer.  
84 2. The applicant shall make an application to the Office of Permits and  
85 Inspections, and follow all rules, procedures and construction timelines as  
86 outlined by regarding new construction.  
87 3. The applicant shall commence construction on the proposed improvements  
88 within eighteen (18) months from the date of the Planning Office's "Notice to  
89 Proceed".  
90 4. Natural vegetation of an area three times the extent of the approved  
91 disturbance in the buffer shall be planted in the buffer or on the property if  
92 planting in the Buffer cannot be reasonably accomplished. Disturbance  
93 outside the buffer shall be 1:1 ratio. A Buffer Management Plan application  
94 may be obtained through the Department of Planning and Zoning.  
95

96  
97 Charles Goebel on behalf of the Potters described the new uses, the proposed  
98 bedroom and proposed terrace would both occupy previously existing impervious  
99 surface. The law refers to new impervious surface, what does it say about existing

100 impervious surface. Ms. Verdery stated the request would need to be “in kind” to  
101 include use. Mr. Rothwell stated the Commission can approve the expansion of  
102 the dwelling but not the terrace as per *Talbot County Code*.

103  
104 Commissioner Hughes stated he wanted the Critical Area Commission letter to be  
105 entered into the record.

106  
107 Mr. Goebel stated they met with staff for input and what was before this  
108 Commission reflects input from staff since the last meeting. The Critical Area  
109 Commission previously had suggested swapping out the area closest to the water,  
110 be removed; we have instead removed the entire area, a net total of 2,388 square  
111 feet.

112  
113 Commissioner Hughes stated he thought they were clear last time about getting  
114 the bedroom out of the buffer as it did not meet the standards in the code; about  
115 some sort of special condition or circumstance that is peculiar to the land or the  
116 structure, that you have some sort of an unwarranted hardship. Considering the  
117 fact that you are expanding the structure, by a great deal, rearranging, I still fail to  
118 see any strong reason why you have to encroach into the 100 foot buffer with the  
119 bedroom and, of course, the terrace over which we have no jurisdiction.  
120 Commissioner Sullivan agreed that using the existing structure and shifting  
121 everything to move the bedroom out of the buffer was preferred.

122  
123 Mike Potter and Debbie Potter, appeared and stated their family has been from the  
124 Eastern Shore since the 1500s. Mr. Potter’s job has taken them to Baltimore but  
125 they want to return to the Eastern Shore when they retire. They have  
126 grandchildren, children and a real interest in making this property home. They  
127 think they have done this environmentally correct and are confident they are being  
128 very responsible. It is a 1940’s house; adding a ground floor bedroom that it does  
129 not have; and other rooms to entertain their children and grandchildren. They are  
130 taking the parking areas away from the water’s edge. This was done without  
131 disturbing the beautiful loblolly pines.

132  
133 Commissioner Hughes explained to Mr. Potter that the Planning Commission has  
134 certain warrants and rules they are to follow and the Critical Area Commission  
135 has also reminded the Commission they are to follow them. Three of them stand  
136 out in regard to this application. Those warrants are: (1) show special conditions  
137 or circumstances exist that are peculiar to the land or structures such that a literal  
138 enforcement of the provisions will result in unwarranted hardship; (2) not based  
139 on circumstances which are the result of actions by the applicant; (3) variance will  
140 not exceed the minimum adjustment necessary to relieve the unwarranted  
141 hardship. When the Commission read the Minutes it was clear and it should have  
142 been clear to Mr. Goebel, that we (a) wanted the impervious surface reduced  
143 which you did, but we also (b) wanted the new master bedroom out of the buffer.  
144 Yet you come back now with the master bedroom in the buffer and a new terrace.  
145 That summarizes where we are.

146 Commissioner Fischer stated he is uneasy. The objective is to reduce the  
147 impervious area in the buffer. This plan as presented today reduces the  
148 impervious area. The applicant has met the spirit of this regulation, though I  
149 regret that the building addition is in the buffer, the overall impact of the project is  
150 positive. I am uneasy because I just heard them read the Code.  
151

152  
153 Mr. Goebel does not see where the project does not meet the code and asked if the  
154 Commission could walk them through where the project does not meet the Code.  
155

156 Commissioner Hughes stated it is a rare occasion when the Planning Commission  
157 does not recommend an Administrative Variance. It makes me especially uneasy  
158 when we said rather clearly we wanted the master bedroom out of the buffer.  
159

160 Mr. Goebel stated they are here because it is best to have the master bedroom in  
161 the buffer related to the footprint, position, and layout of the house. He stated they  
162 are confined on all sides by setbacks, by the buffer and by the tree line.  
163

164 Commissioner Hughes stated where they located the master bedroom is their  
165 choice. It says in the warrants the variance is not based on conditions or  
166 circumstances which are the result of actions by the applicant. You are  
167 rearranging the interior completely of the existing house and adding to it on three  
168 sides and have not stated a reason why the master bedroom could not be on one of  
169 the other sides of the house.  
170

171 Mrs. Potter stated one of the reasons for all of this is that the kitchen and the  
172 entertaining is at one end and the pool is at another end. Ms. Potter stated she has  
173 a slight physical disability. It made more sense to make an entertainment area and  
174 a personal area. With her issues it made sense to have a first floor bedroom.  
175

176 Commissioner Fischer stated that he was less concerned about a precedent being  
177 set. He can't imagine many coming before the Commission where an applicant is  
178 actually proposing to reduce (impervious surface) by a net of 2,388 square feet.  
179 He is less concerned about the precedent than he was last time. He wishes the  
180 room was not in the buffer, but can see reasons why they should approve it.  
181

182 Mr. Goebel stated they struggled to improve the house with all of the constraints.  
183 It is a minimal addition. They are proposing to remove fourteen times of the  
184 impervious surface of a bedroom addition that is being placed on existing  
185 driveway. He has not had an application before the Commission with such a  
186 dramatic positive result.  
187

188 Commissioner Spies asked about what type of replanting there would be. Mr.  
189 Goebel stated the hatched and cross-hatched will be removed and planted. Mr.  
190 and Mrs. Potter stated the white oval is already planted.  
191

Commissioner Spies stated he is leaning towards approving because he has not seen this amount of impervious surface removal with the landscaping plan.

Commission Hughes asked Ms. Verdery what the guarantee was that gravel would not find its way back to this property in a few years. Ms. Verdery stated any development activity would have to go through the Department of Planning and Zoning. If it was done illegally it would be an enforcement action.

Commissioner Hughes asked for public comment. There was no additional public comment.

Commissioner Fischer moved to approve the Administrative Variance for J. Michael Potter and Deborah O. Potter, 27303 Baileys Neck Road, Easton, MD 21601, for expansion of the non-conforming structure based upon the fact that they demonstrated a significant reduction in impervious area, with staff conditions being complied with, Commissioner Spies seconded the Motion. The vote was 3-1, Commissioner Hughes opposed.

#### 4. New Business

- a. Fred Israel and Lesley Israel, #M1155—6397 Cedar Cove Road, Royal Oak, MD 21662 (map 40, grid 14, parcel 60, zoned Rural Conservation), Sean Callahan, Lane Engineering, Agent.

Jeremy Rothwell presented the staff report for the four lot subdivision-final plan review with one private road. The four lots will range in size from 6.777 acres to 52.004 acres, with remaining lands of 50.118 acres after the proposed subdivision. Three of the four proposed lots have an existing dwelling. All of the proposed lots and private road are the same size and configuration as was approved by the Planning Commission for Preliminary on January 7, 2015. There are a few final items which will be addressed at Technical Advisory Committee. A Heritage Letter is still needed and they need to delineate the reserve land area.

Staff recommendations include:

1. Address the March 11, 2015 Technical Advisory Committee comments from the Department of Planning and Zoning, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District and the Environmental Planner prior to Compliance Review Committee submittal.

Sean Callahan, Lane Engineering, appeared with Fred and Lesley Israel. Mr. Callahan stated the Forest Interior Dwelling Study (FIDS) study needs to be completed. They have hired an approved FIDS observer to see if there are any forest interior dwelling species and his report will be submitted to the County, Critical Area and Heritage and they will review it.

Commissioner Hughes asked for public comments and comments from the Commission. None were made.

Commissioner Spies moved to approve the final major four lot subdivision with private road for Fred Israel and Lesley Israel, Cedar Cove Road, Royal Oak, MD, with staff conditions being complied with, Commissioner Sullivan seconded. The motion carried unanimously.

- b. Talbot County, Maryland, #L1232—Oxford Road and Boone Creek Road (map 53, grid 2, parcel 90, zoned Rural Conservation/Town Residential), Bill Wolinski, Talbot County Government and Chris Waters, Waters Professional Land Surveying, Agents.

Jeremy Rothwell presented the applicant's request to abandon 31 building lots and five paper streets that were created as part of the Oxford Estates subdivision, which was platted on October 10, 1956 (Plat Reference 10/79). The before-mentioned subdivision was platted on approximately 13 acres of the 86.189 acres on Tax Parcel 90, and is separated from the rest of Tax Parcel 90 by Bonfield Manor Road. The purpose of this revision plat is to allow for the creation of public park, whose site plan was submitted concurrently with the major revision plat.

Staff recommendations include:

1. Address the March 11, 2015 Technical Advisory Committee comments from the Department of Planning and Zoning, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District and the Environmental Planner prior to Compliance Review Committee submittal.

Bill Wolinski, Environmental Engineer, Department Public Works, Talbot County, Maryland, Steve Torgeson, A. Morton Thomas, consulting architect, Chris Waters, Waters Professional Land Surveying all appeared on behalf of applicant.

Commissioner Hughes asked for public comments and comments from the Commission. There were none.

Commissioner Spies moved to approve the sketch major plat revision for Talbot County, Maryland, with all staff conditions being complied with, Commissioner Fischer seconded. The motion carried unanimously.

- c. Talbot County, Maryland, #SP 555—Passive Recreation Park, Oxford Road and Boone Creek Road (map 53, grid 2, parcel 90, zoned Rural Conservation/Town Residential), Bill Wolinski, Talbot County Government and Chris Waters, Waters Professional Land Surveying, Agents.

Jeremy Rothwell presented the applicants request for Major Site Plan approval for the Phase I (only) construction of a public park on approximately 42 acres (out of 86.19 total acres) of county-owned land, immediately adjacent to the municipal boundary of Oxford. The remaining balance of 44 acres of county-owned land will remain in agricultural use until the applicants obtain the necessary approvals for an expansion of the proposed park. The Department of Planning and Zoning has classified the following activities and structures as “Parks and Playgrounds” use that are included in the applicant’s proposal for Phase I of construction:

1. The construction of approximately 1.2 miles of 10 ft. wide walking paths with at least a portion ADA accessible. This includes approximately 190 linear feet of boardwalk that is proposed to cross non-tidal wetlands existing on site.
2. The creation of approximately 5.5 acres of wetlands.
3. The planting of approximately five (5) acres of trees.
4. The planting of portions of the park in native meadow grasses.
5. The construction of ten picnic shelters on individual concrete pads.
6. The construction of two ADA-accessible single-stall “comfort stations” (portable toilets).
7. The construction of two gravel parking pads. Each parking pad will have its own corresponding access; one off of Boone Creek Road and another off of East Pier Street.

All of the improvements have been classified as park and playground uses. As it is currently proposed, they are calling it a conservation park, and it meets our definition for parks and playgrounds. The Town of Oxford provided a letter of support.

Staff recommendations include:

1. The applicant shall obtain Major Revision Plat approval through the Planning Commission, and comply with all conditions of said approval.
2. Address the March 11, 2015 Technical Advisory Committee comments from the Department of Planning and Zoning, Department of Public Works, Environmental Health Department, Talbot Soil Conservation District and the Environmental Planner prior to Compliance Review Committee submittal.
3. The applicant shall commence construction on the proposed improvements within twelve (12) months from the date of final approval.
4. The applicant shall make applications to and follow all of the rules, procedures, and construction timelines as outlined by the Office of Permits and Inspections regarding new construction.
5. If and when the demand and financing for future phases of construction becomes available, the applicant shall follow the appropriate process(es) and seek the necessary approval(s) in accordance with the *Talbot County Code*.

329 The Town of Oxford has supported and been a party to this project since its  
330 creation.

331  
332 There are a few outstanding issues which need to be addressed. This is the site of  
333 a once historic mill. Mr. Rothwell stated he wanted to make it clear that if any of  
334 the excavations which occur find evidence of that former brick mill they are to  
335 notify Planning and Zoning so the historic district can take appropriate actions.  
336 This is in a gateway overlay district, the applicants have proposed to keep the row  
337 of mature bald cypress trees which line from Bonfield Manor Road to the  
338 municipal boundary. The applicants have also agreed to plant street trees at fifty  
339 foot intervals between Bonfield Manor and Boone Creek Road. The one aspect  
340 that is not currently annotated on the site plan is providing for pedestrian access.  
341 They are providing for pedestrian access between East Pier Street to the parking  
342 area and parking spaces in the western corner of the property. Mr. Rothwell also  
343 believes they need pedestrian access off of Route 333. There are sections of  
344 sidewalk along Route 333 and in the Town of Oxford.

345  
346 Commissioner Hughes asked if there will be any bicycle parking or bicycle racks?  
347 Mr. Torgeson said there would not be a problem adding bicycle racks in Phase I.  
348 The path is a multi-purpose path that would work for bicycles also.

349  
350 Mr. Rothwell stated the applicants will be providing signs: private entry notice,  
351 entrance gated and closed at sunset, as shown on the rendering of proposed signs.  
352 These signs will meet the gateway ordinance. The applicants do meet the parking  
353 requirements as set forth in the Code.

354  
355 Commissioner Hughes asked for Commission and public comments.

356  
357 Carole Abruzzese, Commissioner of the Town of Oxford, stated Commissioner  
358 Graves and several Oxford residents were in attendance. They have had several  
359 public meetings and Oxford residents are very pleased with the passive park.  
360 People are very supportive of this park and very pleased the County has drawn in  
361 the residents of Oxford on interim meetings for their support and comments.

362  
363 Tim Kearns, Vice President Oxford Fire Company, does not believe the Fire  
364 Company has a continuous sidewalk across Route 333. There are two distinct  
365 aprons from the engine bays but they are not continuous from one side east to  
366 west.

367  
368 Commissioner Hughes asked the architect if he tapped into any of the other local  
369 resources like Chesapeake Wildlife Life Heritage, with regard to the wetlands.  
370 There is a great deal of expertise in this county as to how to create wetlands. What  
371 is the plan for the wetlands? Mr. Torgeson stated that they have tapped a number  
372 of resources to develop this. Their sub-consultant, Center for Watershed, has done  
373 substantial work in the county. There is a zero water stream, basically a larger



374 drainage area that is coming through a channel that goes right through this area.  
375 That is the hydrology that feeds this area.  
376

377 Mr. Torgeson states that east of Bonfield Manor Road is a channel which dumps  
378 into the zero water stream. Mr. Wolinski stated that a major part of the funding is  
379 coming from a \$1.1 million dollar grant the County received. Two elements of the  
380 project, the wetland system and tree planting, are two major projects on pollution  
381 reduction the County and Town of Oxford have been working on.  
382

383 Commissioner Fischer asked when this project is mature what will we be looking  
384 at—weeds, native vegetation, open surface, marsh, birds, or ducks. Mr. Torgeson  
385 stated they are leaning more towards birds and not so much ducks. There will be  
386 at times standing water but not at all times. There will be native grasses and it will  
387 have to be maintained. They made a visit to Chip Akridge's property along  
388 Oxford Road and he showed what he has been doing on his property to maintain  
389 the meadows.  
390

391 Commissioner Hughes asked if there were going to be berms. Mr. Torgeson stated  
392 they would be scooping out the earth to make the larger spaces for the future  
393 overlook.  
394

395 Commissioner Fischer moved to approve the major site plan, Talbot County  
396 Government, Passive Recreation Park, Phase I, with staff conditions being  
397 complied with. Second by Commissioner Sullivan. The motion carried  
398 unanimously.  
399

## 400 **5. Discussions Items**

### 401 **a. Easton Utilities**

402  
403 Mr. Rothwell presented the discussion item of Easton Utilities which owns a 359-  
404 acre wastewater treatment facility near the Choptank River adjacent to the former  
405 mid-shore regional landfill and the motor cross facility. The applicants are  
406 interested in creating what they are calling a sustainability complex which is  
407 multifaceted. There will be a methane digester facility and up to 10 acres of solar  
408 panels similar to what MEBA has. Before the applicants put in a major site plan  
409 they wanted to ensure the Commission was comfortable with the location of the  
410 facility.  
411

412  
413 Geoff Oxnam, Vice President of Operations, Easton Utilities, Sharon Van  
414 Emburgh, Counsel, Paul Moffett, Manager Engineering and Water and  
415 Wastewater Departments, John Hines, Electrical Department appeared before the  
416 Commission to present the project. Mr. Oxnam stated they are calling it the  
417 Easton Sustainability Project.  
418  
419

Mr. Oxnam stated the project being contemplated is one of great benefit to the community. What this project seeks to do is leverage off the water pollution savings advantages that their state-of-the-art enhanced nutrient removal wastewater treatment facility already offers. By introducing a portfolio of renewable energy solutions at this site it will help to offset the amount of energy they will buy off the grid using renewable resources and fulfill a number of obligations they have. They are not proposing to create a methane digester. It is an electric generator to use the methane coming out of the landfill. It is a one megawatt landfill gas generator, and a up to 2 megawatt solar array, battery storage and the potential for wind energy. Currently they are not looking to install for wind energy, just a test anemometer to see wind conditions in the area. Benefits of the project are: reduction of water pollution; reduction of waste sludge by producing a commercial grade fertilizer out of the sludge material (those are already ongoing); reduce greenhouse gas emissions by converting methane from the landfill into usable electricity rather than just flaring it into the atmosphere, which is what currently happens; reducing costs, hopefully, instead of buying energy off the grid at peak times being able to produce it themselves; and reducing the cost of purchasing renewable energy credits.

Commissioner Hughes asked if this area where the solar array is proposed was where the spray irrigation was formerly done. Mr. Oxnam confirmed it was. Commissioner Hughes asked if the methane was going to be a direct feed to the generator or if there were to be storage tanks. Mr. Oxnam stated they were not proposing storage tanks. Commissioner Hughes asked if there was still a shooting range out there. Mr. Moffett stated they were still there and it was 200 meters to the back of the fence. Commissioner Hughes asked what direction they fire. Mr. Moffett showed they fire toward where the solar array will be.

Commissioner Spies asked was the battery storage for a continuous flow of electric. Mr. Oxnam stated that in a micro-grid concept when energy was low cost, you fill up the battery then at peak times you dump those electrons into the system so you don't have to buy them more expensively. He stated they are looking for the most effective way to integrate that storage at the moment.

Commissioner Hughes asked if they knew how much methane was left? Mr. Oxnam stated about 5-6 years worth. At the end you have a resource that can be fired off of other sources or can be sold. This unit came from another landfill that had a spare unit; we were able to obtain at a reasonable cost.

Commissioner Sullivan asked if there have been talks for future solar additions. Mr. Oxnam stated they have the footprint and they will be looking at it. One of the big drivers will be the cost of solar which has been radically reduced, but also the market prices for the renewable energy credits. He stated they are required by the State of Maryland to buy a certain amount of their energy from renewable sources and there is a specific carve-out for solar sources. Each year that obligation increases and if you do not have your own you have to go out for each

megawatt hour you produce and buy one credit. Those credits are traded on an open market.

Commissioner Hughes stated there is a separate category for wind and stated they could not cover all their bases with solar because he believes solar has a lot more cost benefit. Mr. Oxnam agreed and stated they are looking at wind from a couple of directions. For diversity and for educational. This would be a tool for the next workforce generation to learn to install, size and operate. Mr. Oxnam stated they do not contemplate putting any educational facility on this site, it would be for field trips only.

Commissioner Hughes asked for Commission comments.

Commissioner Fischer asked if Easton Utilities owned the land on all four sides. Mr. Moffett stated they did not own on all four sides and showed the Commissioners where the property lines currently were. Commissioner Fischer asked if they had an agreement with Maryland Environmental Service for the methane. Mr. Oxnam stated they did not yet have an agreement.

Commissioner Hughes asked staff about the screening requirements. Mr. Rothwell stated that for a major site plan street trees are required. But for a project like this they would need to apply for a waiver if they were not going to do any additional planting. One of the reasons staff asked them to come before the Commission was to see if the Commission wanted them to have any specific screening or requirements.

Commissioner Sullivan asked about the traffic. Mr. Oxnam stated it is a private road.

Mr. Rothwell stated in addition to the site plan Easton Utilities would be required to obtain a special exception for the methane generation and the solar panels and would require a variance for the height of the anemometer.

Commissioner Sullivan asked based on estimates how much of the wastewater plant can you supplement? Mr. Oxnam stated that at certain times they would be able to carry the full load. Commissioner Hughes stated that with the lagoons he assumed most of the work was done during the daylight hours. Mr. Moffett stated the biologic reactor runs all the time. Commissioner Sullivan asked if it freezes during extreme cold. Mr. Moffett said there is a little problem at the headwaters area, but the bio-works area maintains heat.

## **6. Staff Matters**

Ms. Verdery reminded the Commission that the Nontidal Wetlands Bill was passed and will now have to be forwarded to the Critical Areas Commission for program refinement and approval. Commissioner Hughes asked if the Critical

Area takes any testimony. Ms. Verdery stated they have an open meeting and we are notified. Commissioner Hughes and Sullivan stated they would like to go. Commissioner Hughes asked if this makes what is going on in Court moot? Ms. Verdery stated she would let the County Attorney discuss that.

Comprehensive Plan has three more workshops in the latter part of April.

The May Planning Commission meeting is at the Library.

## **7. WorkSessions**

## **8. Commission Matters**

## **9. Adjournment**—Commissioner Hughes adjourned the meeting at 10:49 a.m.